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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,890	08/31/2001	Song-Lin Young	SLA1003	4074

7590

07/17/2006

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EXAMINER

MEHRA, INDER P

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,890

Applicant(s)

YOUNG, SONG-LIN

Examiner

Inder P. Mehra

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,21-23,28-31,36,52,53,56 and 57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-20,24-26,35,37-51,54,55,58,59 and 333 is/are rejected.
- 7) ☒ Claim(s) 27 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to Application dated: 10/21/05. Based on this amendment dated: 10/21/05, out of claims 1-59, claims 2-3, 21-23, 28-31, 36, 52-53 and 56-57 are cancelled; and claims 1, 4-20, 24-27, 32-35, 37-51, 54-55, and 58-59 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 4-20, 24-26, 33-5051, 54-55, and 58-59 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 20, 33, 51 and 55 have been amended to recite “**master identity signal**”, which is not supported by specifications. Please quote page and line numbers which disclose this limitation.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4-6, 19, 33-35 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lee** (USPub. No. 2002/0045424) in view of **Zyren** (US Patent No. 6,377,608), further, in view of **Haartsen** (US Patent No. 6,754,250), and **Bluetooth specification version 1.1 , dated February 28, 2001,**

6. For claims 1, 19 and 33, Lee discloses “in a network of Bluetooth protocol devices, a method for establishing communications”, (refer to fig. 4, a Bluetooth private network structure, refer to paragraph 0042) comprising:

- prior to broadcasting a piconet beacon frequency, establishing a piconet with a master device (**Bluetooth’s private network, refer to fig. 4, paragraph 0043. A master should be discriminated from a slave in Bluetooth, in which the master orders a command and the slave receives and performs the command, refer to paragraphs 0008, 0012-0013, 0043,);**
- the master device broadcasting a piconet beacon frequency at a first predetermined frequency $f(kB)$ from a plurality of spread spectrum transmission frequencies, (**Lee discloses “sending a beacon signal to each of the Bluetooth devices in local Bluetooth networks to locate the Bluetooth device”, refer to abstract, and paragraph 0012).**
- in response to receiving the piconet beacon frequency, establishing communications with the piconet (**Lee discloses, “upon receiving the beacon signal, transmitting from the Bluetooth device a route update packet to the gateway to set a communication path, refer to paragraph 0013).**

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Lee does not disclose explicitly the following limitation, which is disclosed by Zyren, as follows:

- monitoring to receive the piconet beacon frequency, (Zyren discloses, “A **beacon responsive radio control mechanism, installed in each ad hoc radio, monitors the beacon channel for the presence of the wireless beacon, refer to abstract, and monitor whether it is in close proximity to an infrastructure network, refer to col. 2 lines 25-30).**

Lee does not disclose explicitly the following limitations, which are disclosed by **Haartsen**, as follows:

- Where in the piconet beacon frequency includes the master device's Bluetooth address (BD-addr) and clock (CLK) information (**Haartsen discloses, “The FH sequence used for the piconet channel is completely determined by the address or identity of the device acting as the master. The system clock of the master device determines the phase in the hopping sequence (i.e., the designation of which one of the possible hops in the sequence is the "current" hop”, col. 4 lines 55-60); Further, Blue tooth specifications version 1.1, dated February 28, 2001 specifies these limitations as standard, refer to “the channel in the piconet is characterized entirely by the master of the piconet. The Bluetooth device address (BD_ADDR) of the master determines the FH hopping sequence , refer to paragraph 10.2 at page 92);**

It would have been obvious to a person of ordinary skill in the art at the time of the invention use the capability of “monitoring the beacon frequency” as taught by Zyren. This capability can be implemented by periodically tuning the receive frequency synthesizer of its transceiver to this frequency. The motivation to do so being that a node in an ad hoc network radio, such as an FHSS radio, is able to monitor whether it is in close proximity to an infrastructure network, as taught by Zyren.

For claim 34, Lee discloses the following limitations:

- where the master device broadcasting at a first predetermined frequency f(kB), from the plurality of spread spectrum transmission frequencies , **(refer to “sending a beacon signal to each of the Bluetooth devices in local Bluetooth networks to locate the Bluetooth device”, refer to abstract, and paragraph 0012);**

For claims 4-6, 35, and 37-38, Lee in view of Zyren disclose all the limitations of subject matter with the exception of the following limitations, which are disclosed by Haartsen’250:

- “wherein broadcasting a piconet beacon frequency includes the master device broadcasting its Bluetooth address (BD-addr) and clock (CLK) informat  n.”, **as recited by claims 6 and 35, (refer to Lee “The FH sequence used for the piconet channel is completely determined by the address or identity of the device acting as the master. The system clock of the master device**

determines the phase in the hopping sequence (i.e., the designation of which one of the possible hops in the sequence is the "current" hop", col. 4 lines 55-60).

- wherein receiving the piconet beacon frequency includes an inquiring device receiving the BD-addr and CLK information of the master device, as recited by claims 4-5 and 35, 37-38, (the slaves listen to the beacon channel with a very low duty cycle, The FH sequence used for the piconet channel is completely determined by the address or identity of the device acting as the master. The system clock of the master device determines the phase in the hopping sequence, refer to col. 9 lines 50-55 and col. 4 lines 55-60),

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of "wherein broadcasting a piconet beacon frequency includes the master device broadcasting its Bluetooth address (BD-addr) and clock (CLK) information.", as taught by Haartsen. This capability can be implemented by having pseudo random frequencies out of Frequency Hopping Sequence. The motivation to do so being that a node in an ad hoc network radio, such as an FHSS radio, is able to set up link with Master.

7. Claims 7-8, and 39-40, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee, as above, in view of Zyren, as above, further, in view of Haartsen (US Patent No. 6,519,460), hereinafter Haartsen'460.

For claims 7-8 and 39-40, Lee discloses all the limitations of the subject

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matter with the exception of the following limitation, which is disclosed by Haartsen'460, as follows: :

- **Wherein establishing communications includes, following the receiving of the first downlink FHS packet by the inquiring device, transmitting a first uplink FHS packet from the inquiring device to the master device, as recited by claims 7-8, 39-40. (refer to “on exemplary FH link 200, master 120 may alternate transmit and receive single packets 121-126 and, ----- across time slots 201-212, each having a hop frequency 221-232”, refer to col. 4 lines 35-42.**

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of “receiving a first uplink FHS packet from an inquiring device” as taught by Haartsen. This capability can be implemented by having pseudo random frequencies out of Frequency Hopping Sequence. The motivation to do so being that a node in an ad hoc network radio, such as an FHSS radio, is able to set up link with Master.

8. Claims 20, and 51, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lee**, as above, in view of **Haartsen** (US Patent No. 6,519,460), hereinafter, Haartsen'460.

For claims 20, and 51, Lee discloses “in a network of Bluetooth protocol devices, a method----- for establishing communications”, (refer to **fig. 4, a Bluetooth private network structure**) comprising:

- a master device broadcasting a piconet beacon frequency in a first downlink FHS packet including the master device's BD addr and CLK information. at a

first predetermined frequency $f(kB)$ from a plurality of spread spectrum transmission frequencies, ;as recited by claims 20, 51, (refer to Lee “sending a beacon signal to each of the Bluetooth devices in local Bluetooth networks to locate the Bluetooth device”, refer to abstract, and paragraph 0012, refer to “The FH sequence used for the piconet channel is completely determined by the address or identity of the device acting as the master. The system clock of the master device determines the phase in the hopping sequence (i.e., the designation of which one of the possible hops in the sequence is the "current" hop”, Haartsen’250col. 4 lines 55-60);

Lee does not disclose explicitly the following limitation, which is disclosed by Haartsen’460, as follows:

- receiving a first uplink FHS packet from an inquiring device, in response to broadcasting the piconet beacon frequency. wherein the first uplink FHS packet includes the inquiring device BD addr in the FHS packet payload and a FHS packet access code (AC) derived from the master device BD addr; as recited by claims 20, 51 (refer to “on exemplary FH link 200, master 120 may alternate transmit and receive single packets 121-126 and, ----- across time slots 201-212, each having a hop frequency 221-232”, refer to col. 4 lines 35-42;
- following the receiving of the first uplink FHS packet by the master device. transmitting a second downlink FHS packet from the master device to the

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inquiring device, (refer to “on exemplary FH link 200, master 120 may alternate transmit and receive single packets 121-126 and, -----across time slots 201-212, each having a hop frequency 221-232”, refer to col. 4 lines 35-42);

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of “receiving a first uplink FHS packet from an inquiring device” as taught by Haartsen’460. This capability can be implemented by having pseudo random frequencies out of Frequency Hopping Sequence. The motivation to do so being that a node in an ad hoc network radio, such as an FHSS radio, is able to set up link with Master.

9. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Lee in view of Haartsen’460), as above**, in view of **Haartsen** (US Patent No. 6,754,250), hereinafter Haarsen’250.

For claim 54, Lee disclose all the limitations of subject matter, with the exception of the following limitations, which are disclosed by Haartsen’460 and Haartsen’250 :

- wherein the receiver receives a first uplink FHS packet, including the BD-addr of the inquiring device following the transmission of the first downlink FHS packet, **as recited by claim 54**, (the slaves listen to the beacon channel with a very low duty cycle (monitoring to receive), The FH sequence used for the piconet channel is completely determined by the address or identity of the device acting as the master. The system clock of the master device determines

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the phase in the hopping sequence, refer to Haartsen'250 col. 9 lines 50-55 and col. 4 lines 55-60);

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of "wherein broadcasting a piconet beacon frequency includes the master device broadcasting its Bluetooth address (BD-addr) and clock (CLK) information.", as taught by Haartsen'250. This capability can be implemented by having pseudo random frequencies out of Frequency Hopping Sequence. The motivation to do so being that a node in an ad hoc network radio, such as an FHSS radio, is able to set up link with Master.

10. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Lee** in view of **Zyren, as above, further**, in view of **Haartsen** (US Patent No. 6,754,250), **hereinafter** Haartsen'250 .

For claim 55, Lee discloses "in a network of Bluetooth protocol devices, a method for establishing communications", (refer to fig. 4, a Bluetooth private network structure) comprising:

a receiver having an input to monitor and receive a piconet beacon frequency at a first predetermined frequency $f(kB)$ from plurality of spread spectrum transmission frequencies. wherein the piconet beacon frequency includes- a first downlink FHS packet with the master device Bluetooth address: (BD addr) and clock. (CT.K) information, (refer to "sending a beacon signal to each of the Bluetooth devices in local Bluetooth networks to locate the Bluetooth device", refer to abstract, and paragraph 0012).

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a transmitter having an output to establish communications with a piconet master device in response to receiving the piconet beacon frequency (upon receiving the beacon signal, transmitting from the Bluetooth device a route update packet to the gateway to set a communication path, refer to paragraph 0013).

Lee in view of Zyren does not disclose the following limitation, which is disclosed by Haartsen, as follows

Where in the piconet beacon frequency includes the master device's Bluetooth address (BD-addr) and clock (CLK) information (refer to "The FH sequence used for the piconet channel is completely determined by the address or identity of the device acting as the master. The system clock of the master device determines the phase in the hopping sequence (i.e., the designation of which one of the possible hops in the sequence is the "current" hop", col. 4 lines 55-60);

It would have been obvious to a person of ordinary skill in the art at the time of the invention use the capability of "Where in the piconet beacon frequency includes the master device's Bluetooth address (BD-addr) and clock (CLK) information" as taught by Haartsen. These capabilities can be implemented by periodically tuning the receive frequency synthesizer of its transceiver to this frequency and by having pseudo random frequencies out of Frequency Hopping Sequence. The motivation to do so being that a node in an ad hoc network radio, such as an FHSS radio, is able to monitor whether it is in close proximity to an infrastructure network, as taught by Zyren and a node in an ad hoc network radio, such as an FHSS radio, is able to set up link with Master.

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11. Claim 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lee** in view of **Zyren**, as above, and **Haartsen**, hereinafter, Haartsen'460, further in view of **Haartsen** (US Patent No. 6,754,250), hereinafter, Haartsen'250.

For claim 58, Lee in view of Zyren, Haartsen'460 disclose all the limitations of subject matter, with the exception of the following limitation which is disclosed by Haartsen'250, as follows:

- wherein the inquiring device derives the master device frequency hopping sequence from the master device BD-addr and CLK information received on the piconet beacon frequency, **as recited by claim 58**, (the slaves listen to the beacon channel with a very low duty cycle (**monitoring, as recited by claim 56**), (refer to Haartsen'250' col. 9 lines 50-55) The FH sequence used for the piconet channel is completely determined by the address or identity of the device acting as the master. The system clock of the master device determines the phase in the hopping sequence, refer to col. 4 lines 55-60).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of "wherein broadcasting a piconet beacon frequency includes the master device broadcasting its Bluetooth address (BD-addr) and clock (CLK) informat    .", as taught by Haartsen'250. This capability can be implemented by having pseudo random frequencies out of Frequency Hopping Sequence. The motivation to do so being that a node in an ad hoc network radio, such as an FHSS radio, is able to set up link with Master.

Allowable Subject Matter

12. Claims 27 and 32 are allowed.

Reason for Allowance

The prior art of record does not disclose, teach or suggest the following limitations directly or implicitly:

“wherein FHS packet includes the inquiring device BD addr in the FHS packet payload and a FHS packet access code (AC) derived from the master device BD addr”

13. Claims 9-18, 24-26, 41-50 and 59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claims 9-18, 24-26, 41-50 and 59 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

15. Applicant's arguments filed 10/21/05 regarding claims 1, 4-20, 24-27, 32-35, 37-51, 54-55, and 58-59 have been fully considered but they are not persuasive.

Applicant argues, “with respect to claims 1 and 33, the combination of Lee and Zyren do not explicitly describe the limitations of **a master identity signal** that includes the master device address and CLK with respect to claim 1, the combination of references does not describe the master identity signal being broadcast at the f(kB) frequency.

Examiner, states in response, that added limitation “a master identity signal” is not supported by specifications. Please quote the line and page number of specifications, where it is disclosed.

Examiner, further, states in response that according to Blue Tooth specification standards, version 1.1, dated 22 February 2001, “master establishes a beacon channel when one or more slaves are parked”, refer to paragraph 10.8.4.1, page 113; further, “the master communicates with parked slaves using broadcast message” using clock, refer to paragraph 10.8.4.1, pages 113-114. Further, “the channel in the piconet is characterized entirely by the master of the pico-net. The Bluetooth device address (BD_ADDR) of the master determines the FH hopping sequence and the channel access code”, the system clock of the master determines the phase in the hopping sequence and set the timing refer to paragraph 10.2 at page 92; further, “The initial messaging between master and slave is --- in frequencies $f(k)$, $f(k+1)$ etc.”, refer to page 101 and fig. 10.6 on page 102.

Applicant argues, “Neither does the combination of a signal strength beacon, with an avoidance beacon, suggest any modifications that the limitations of claims 1 and 33. Claim 19, dependent from claim 33 enjoy: the same distinctions from the cited prior art. Applicant, further, argues, refer to page 19 of applicant’s arguments, that Prior art references cannot be combined for the purposes of an obviousness analysis on the basis of a retrospective-looking desire to combine different subject matters or limitations. In this regard, applicant provided affidavit of Daryl Hlasny

In response to applicant's argument that there is no suggestion to combine the references,

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the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, in response, examiner further, states that under MPEP 2141.01(a) “A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor’s endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor’s attention in considering his problem.”); *Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993); and *State Contracting & Eng’g Corp. v. Condotte America, Inc.*, 346 F.3d 1057, 1069, 68 USPQ2d 1481, 1490 (Fed. Cir. 2003) (where the general scope of a reference is outside the pertinent field of endeavor, **the reference may be considered analogous art if subject matter disclosed therein is relevant to the particular problem with which the inventor is involved**).

Applicant argues that the combination of references does not explicitly describe every limitation of claims. With respect to the first prima facie requirement, as noted above, none of the above mentioned references suggest that Lee's beacon be modified to supply a piconet beacon with the BD-addr and CLK information. An invention is unpatentable if the differences between it and the prior art would have been obvious at the time of the invention. As stated in MPEP 2143, there are three requirements to establish a prima facie case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the

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knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In, re Vaech 947 F.2d 488, 20 USPQ 2d, 1438 (Fed. Cir. 1991).

In response, examiner states that all limitations of claims are disclosed by Lee, Zyren and Haartesen, Lee discloses "sending a beacon signal to each of the Bluetooth devices in local Bluetooth networks to locate the Bluetooth device", refer to abstract, and paragraph 0012). Where in the piconet beacon frequency includes the master device's Bluetooth address (BD-addr) and clock (CLK) information (refer to "The FH sequence used for the piconet channel is completely determined by the address or identity of the device acting as the master. The system clock of the master device determines the phase in the hopping sequence (i.e., the designation of which one of the possible hops in the sequence is the "current" hop", col. 4 lines 55-60).

Zyren discloses "A beacon responsive radio control mechanism, installed in each ad hoc radio, monitors the beacon channel for the presence of the wireless beacon, refer to abstract, and monitor whether it is in close proximity to an infrastructure network, refer to col. 2 lines 25-30).

Haartesen disclose ""wherein broadcasting a piconet beacon frequency includes the master device broadcasting its Bluetooth address (BD-addr) and clock (CLK) informati  n.", **as recited by claim 35**, (refer to "The FH sequence used for the piconet channel is completely determined by the address or identity of the device acting as the master. The system clock of the master

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device determines the phase in the hopping sequence (i.e., the designation of which one of the possible hops in the sequence is the "current" hop", col. 4 lines 55-60".

Applicant argues that "The Prima Facie requirements" have not been satisfied.

It is suggested, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In light of above explanation, arguments by applicant are not persuasive.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder Pal Mehra 2/11/06
Inder P Mehra
Examiner
Art Unit 2617


JOHN PEZZLO
PRIMARY EXAMINER